



**RCA  
CITY OF AUSTIN  
RECOMMENDATION FOR COUNCIL ACTION**

**AGENDA ITEM NO.:** 29  
**AGENDA DATE:** Thu 02/02/2006  
**PAGE:** 1 of 2

**SUBJECT:** Approve an ordinance authorizing the execution of all documents necessary to vacate and convey the City's interest in a portion of the Bowie Street right-of-way (0.062 acres located south of 3rd Street), subject to the area being retained as a public utility easement, to LG Park Plaza Limited Partnership and LG Lamar Limited Partnership (collectively called Gables), in exchange for Gables dedicating a wastewater line easement on its private property and releasing all rights to streets dedicated by implication, ordinance, and private access easements recorded at Document No. 2002000252 (which public street and access easements are located in or adjacent to the City's Sand Beach Reserve property at the intersection of Cesar Chavez Street and Sandra Muraida Way).

**AMOUNT & SOURCE OF FUNDING:** N/A

**FISCAL NOTE:** There is no unanticipated fiscal impact. A fiscal note is not required.

**REQUESTING DEPARTMENT:** Public Works

**DIRECTOR'S AUTHORIZATION:** Sondra Creighton

**FOR MORE INFORMATION CONTACT:** Chris Muraida, 974-7191; Laura Bohl, 974-7064

**PRIOR COUNCIL ACTION:** N/A

**BOARD AND COMMISSION ACTION:** Recommended by Zoning and Platting Commission and the Urban Transportation Commission passed on making a recommendation.

**PURCHASING:** N/A

**MBE / WBE:** N/A

The Public Works Department requests approval to negotiate and execute all documents necessary to vacate and convey a portion of Bowie Street right-of-way (approximately 0.062 acres located south of 3rd Street) to Gables. All affected departments and franchise holders have reviewed this request and recommended approval, subject to area being retained as a public utility easement. Property owners within 300 feet of the area to be vacated were notified of the proposed vacation on November 28, 2005.

This vacation request is being processed to clear up a deed conflict between City plat records and the Gables property. 19th century surveys of this area, upon which recent surveys have been developed, were not up to present standards, resulting in many property boundary conflicts in the around in and around the South Beach Reserve (generally bounded on the north by the Lumbermen's Investment Corporation property "LIC Property", on the west by North Lamar Boulevard, on the south by Cesar Chavez, and on the east by the Seaholm Power Plant Property). The early surveys reference a bluff line that no longer exists due to the LIC Property being used as a gravel quarry for many years. City plat records show the Bowie Street ROW extending to the top of the bluff, south of the Union Pacific Rail Road "UPRR" property. When the Lumbermen's Investment Company purchased the east tract of the property from UPRR, the deed included the 0.062 acre area included in this vacation request. Gables now has purchased the entire property, including the area in conflict.



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The ROW is undeveloped, and Bowie Street does not extend south of Third Street, and cannot, due to the railroad and steep slope to the south. There are presently no other ROW functions in the area of vacation except for a wastewater line that was installed, without an easement, south of the area of vacation. Gables will relocate the wastewater line at their own expense into the proposed alignment of their private drive, while the area of requested vacation does not presently serve any transportation function, following vacation and granting of easements, it will provide a significant improvement to the pedestrian and bicycle circulation system on the west side of Downtown. The vacation and easement agreements are part of a Master Agreement that Council will consider along with several related items on February 2, 2006.

As consideration for the City's interest in the 0.062 acre vacated portion of the Bowie Street right-of-way, Gables will convey approximately 4,260 square feet of wastewater easement and will quitclaim its interest in the other access easements described above to the City of Austin.

The appraised value of Bowie Street right-of-way is \$67,125 and the Wastewater Line easement is \$213,000.

- 33. Preliminary Plan: C8-05-0234 - Lakes at Tech Ridge**
- Location: 1001 W. Howard Ln., Walnut / Harris Branch Watershed
- Owner/Applicant: SCI Texas Funeral Services, Inc. (Ray A. Gipson) / NWC Howard & I-35, Ltd. (Jeremy Smitheal) / Terry Anderson
- Agent: Bury & Partners, Inc. (Jon C. Kanak)
- Request: Approval of the Lake at Tech Ridge preliminary plan composed of 9 lots on 158.4 acres.
- Staff Rec.: **DISAPPROVAL**
- Staff: Watershed Protection and Development Review

**#26 - #33; DISAPPROVED BY CONSENT.**  
**[M.H; J.D 2<sup>ND</sup>] (7-0) K.J, J.P - ABSENT**

**STREET VACATION**

- 34. Street Vacation: C10v-05-05 - F#8165-0501-1**
- Request: Vacation of an undeveloped portion of Bowie Street. (0.062 acres)
- Staff Rec.: **RECOMMENDED.**
- Staff: Chris Muraida, 974-7191, Chris.Muraida@ci.austin.tx.us  
 Department of Public Works

**APPROVED STAFF'S RECOMMENATION; BY CONSENT.**  
**[M.H; J.D 2<sup>ND</sup>] (7-0) K.J, J.P - ABSENT**

**B. OTHER BUSINESS**

**ITEMS FROM THE COMMISSION**

*The City of Austin is committed to compliance with the American with Disabilities Act. Reasonable modifications and equal access to communications will be provided upon request. Please call John Beasley, Neighborhood Planning & Zoning Department, at 974-7280, for information, text phone users route through Relay Texas at (800) 735-2989.*

Exhibit "A"

Page 1 of 3

EXHIBIT "A"

CITY OF AUSTIN  
TO GABLES RESIDENTIAL TRUST  
(PARTIAL VACATION OF BOWIE STREET)

0.062 ACRE  
GABLES RESIDENTIAL TRUST  
MUSEUM PARK PLAZA

FN 05-095(MAZ)  
FEBRUARY 5, 2005  
BPI JOB NO. 659-23

DESCRIPTION

OF 0.062 ACRE OF LAND SITUATED IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, BEING A PORTION OF BOWIE STREET RIGHT-OF-WAY (80' WIDE) DEDICATED TO THE PUBLIC BY THE PLAT OF RAMOND PLATEAU, A SUBDIVISION OF OULOT 11, DIVISION 2 OF THE GOVERNMENT OUTLOTS ADJOINING THE ORIGINAL CITY OF AUSTIN, OF RECORD IN VOLUME 1, PAGE 30, OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS AND ALSO BEING A PORTION OF THAT CERTAIN 3.19 ACRE TRACT DESCRIBED IN THE DEED TO LUMBERMAN'S INVESTMENT CORPORATION, OF RECORD IN VOLUME 12038, PAGE 535 OF THE REAL PROPERTY RECORDS OF SAID COUNTY; SAID 0.062 ACRE BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at a 3/4 inch iron pipe with cap stamped "City of Austin LAI RPLS 4878" found in the easterly right-of-way line of said Bowie Street and being in the easterly line of said 3.19 acre tract, for the northwesterly most corner of that certain 0.807 acre "Tract 2" described in the deed to the City of Austin executed November 24, 2003 and recorded in Document No. 2003282535 of the Official Public Records of Travis County, Texas, same being the easterly corner hereof, from which a PK nail found in concrete in the easterly line of said 3.19 acre tract and for the northeasterly corner of that certain 0.609 acre tract described in the deed to the City of Austin, of record in Document No. 2002000252, of said Official Public Records bears with a arc of a curve to the right, having a radius of 520.085 feet, a central angle of 33°40'45", an arc length of 305.71 feet and a chord which bears S13°46'43"E, a distance of 301.33 feet and also from which a 3/4 inch iron pipe with cap stamped "City of Austin LAI RPLS 4878" found for the northerly most corner of said 0.807 acre tract bears N22°42'07"E, a distance of 70.60 feet;

THENCE, leaving said 0.807 acre tract over and across said 3.19 acre tract the following three (3) courses and distances:

- 1) S22°42'07"W, along the easterly right-of-way line of Bowie Street, a distance of 18.87 feet to a calculated point in the approximate southerly line of said Raymond Plateau, for the southerly corner hereof;
- 2) N51°15'54"W, leaving the easterly right-of-way line of Bowie Street, along the approximated southerly line of said Raymond Plateau, same being the approximated southerly margin of Bowie Street right-of-way and the southwesterly line hereof,

a distance of 83.27 feet to a calculated point in the westerly right-of-way line of Bowie Street;

- 3) N22°42'07"E, leaving the southerly line of said Raymond Plateau along the westerly right-of-way line of Bowie Street, same being the northwesterly line hereof, a distance of 44.92 feet to a 3/4 inch iron pipe with cap stamped "City of Austin LAI RPLS 4878" found for the southerly most corner of that certain 0.207 acre-"Tract 3" described in said Document No. 2003282535 and being in the easterly line of said 3.19 acre tract, from which a 1/2 inch iron rod found for an angle point in the southwesterly line of said 0.807 acre tract and being the northerly most corner of said 3.19 acre tract bears with the arc of a curve to the left having a having a radius of 520.085 feet, a central angle of 13°45'27", an arc length of 124.88 feet and a chord which bears N47°51'25"W, a distance of 124.58 feet;

THENCE, leaving said 0.207 acre tract over and across said Bowie Street right-of-way along the easterly line of said 3.19 acre tract, being the northeasterly line hereof, along a non-tangent curve to the right having a radius of 520.085 feet, a central angle of 10°21'17", an arc length of 93.99 feet and a chord which bears S35°47'56"E, a distance of 93.86 feet to the POINT OF BEGINNING, containing an area of 0.062 acre (2,685 sq. ft.) of land, more or less, within these metes and bounds.

I, JOHN T. BILNOSKI, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THE PROPERTY DESCRIBED HEREIN WAS DETERMINED BY A SURVEY MADE ON THE GROUND UNDER MY DIRECTION AND SUPERVISION. A SURVEY SKETCH WAS PREPARED TO ACCOMPANY THIS FIELDNOTE DESCRIPTION.

BURY & PARTNERS, INC.  
ENGINEERS-SURVEYORS  
3345 BEE CAVES ROAD, SUITE 200  
AUSTIN, TEXAS 78746

*JB*  
\_\_\_\_\_  
JOHN T. BILNOSKI  
NO. 4998  
STATE OF TEXAS

*2/5/05*  
\_\_\_\_\_  
DATE

REFERENCES

TCAD MAP 01-0700  
AUSTIN GRID H-22



FIELD NOTES REVIEWED  
 BY *JOHN MOORE* Date *12-13-2005*  
 Engineering Support Section  
 Department of Public Works  
 and Transportation

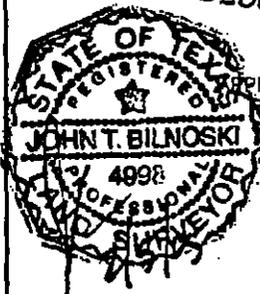
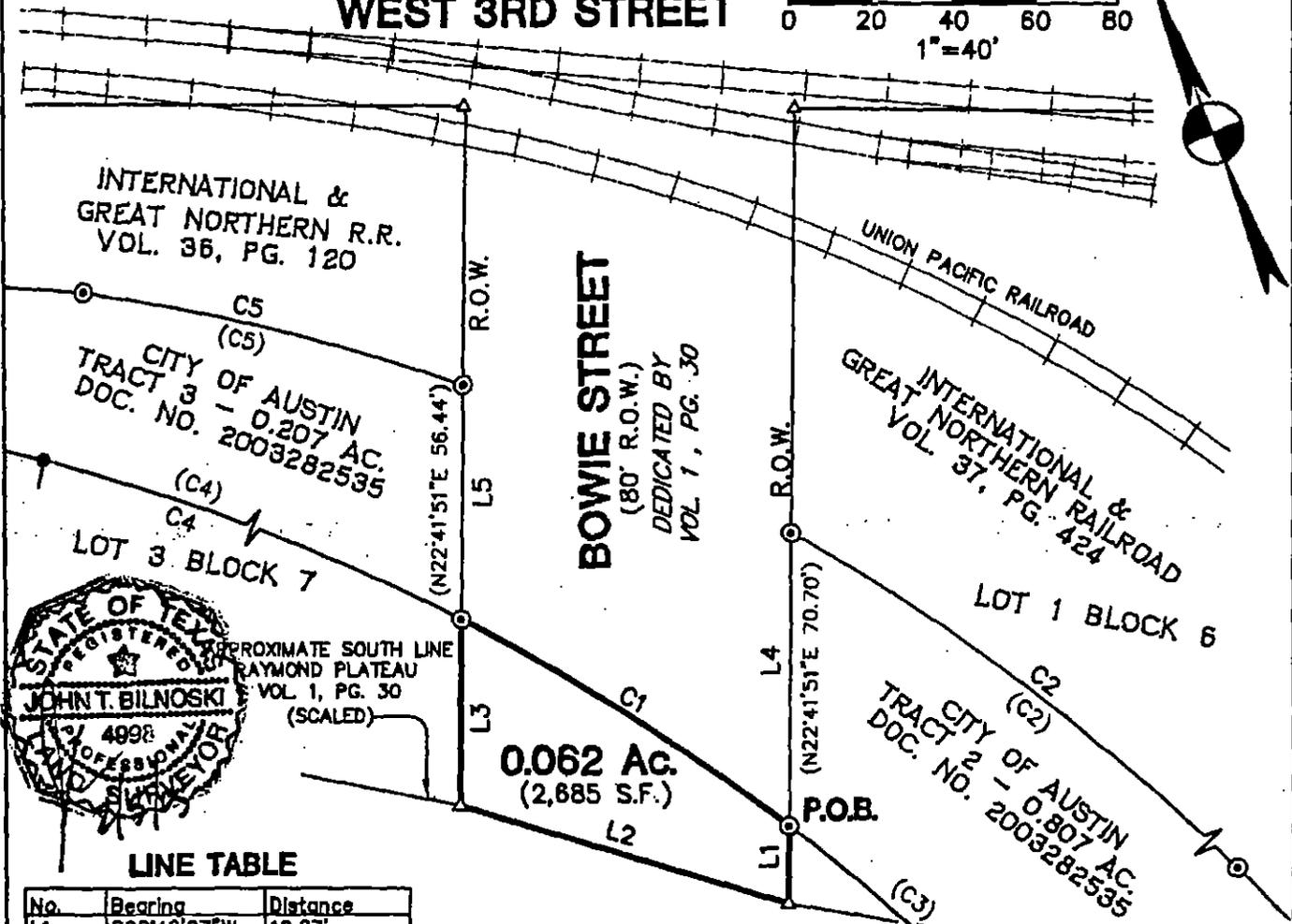
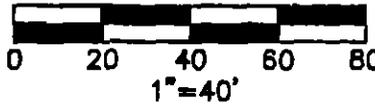
RAYMOND PLATEAU, VOL 1, PG 30

OUTLOT 11, DIVISION Z  
TRAVIS COUNTY, TEXAS

BEARING BASIS OF THIS SURVEY IS THE TEXAS COORDINATE SYSTEM, NAD 83, CENTRAL ZONE  
REFERENCED TO CITY OF AUSTIN MONUMENTS NO. H-22-3001 AND NO. H-22-2001.

(60' R.O.W.)

**WEST 3RD STREET**



**LINE TABLE**

No.	Bearing	Distance
L1	S22°42'07"W	18.87'
L2	N51°15'54"W	83.27'
L3	N22°42'07"E	44.92'
L4	N22°42'07"E	70.80'
L5	N22°42'07"E	56.35'

**CURVE TABLE**

No.	Delta	Radius	Arc Length	Chord Length	Chord Bearing
C1	10°21'17"	520.085	93.99	93.86	S35°47'58"E
C2	59°51'40"	503.07	525.80	502.01	S08°53'43"E
(C2)	—	503.07	525.68	502.09	S08°54'01"E
C3	33°40'45"	520.085	305.71	301.33	S13°46'43"E
(C3)	—	520.085	305.70	—	—
C4	13°45'27"	520.085	124.88	124.58	N47°51'25"W
(C4)	—	520.085	124.96	124.66	N47°51'38"W
C5	10°44'03"	503.07	94.25	94.11	N54°08'41"W
(C5)	—	503.07	94.23	94.10	S54°08'58"E

**LEGEND**

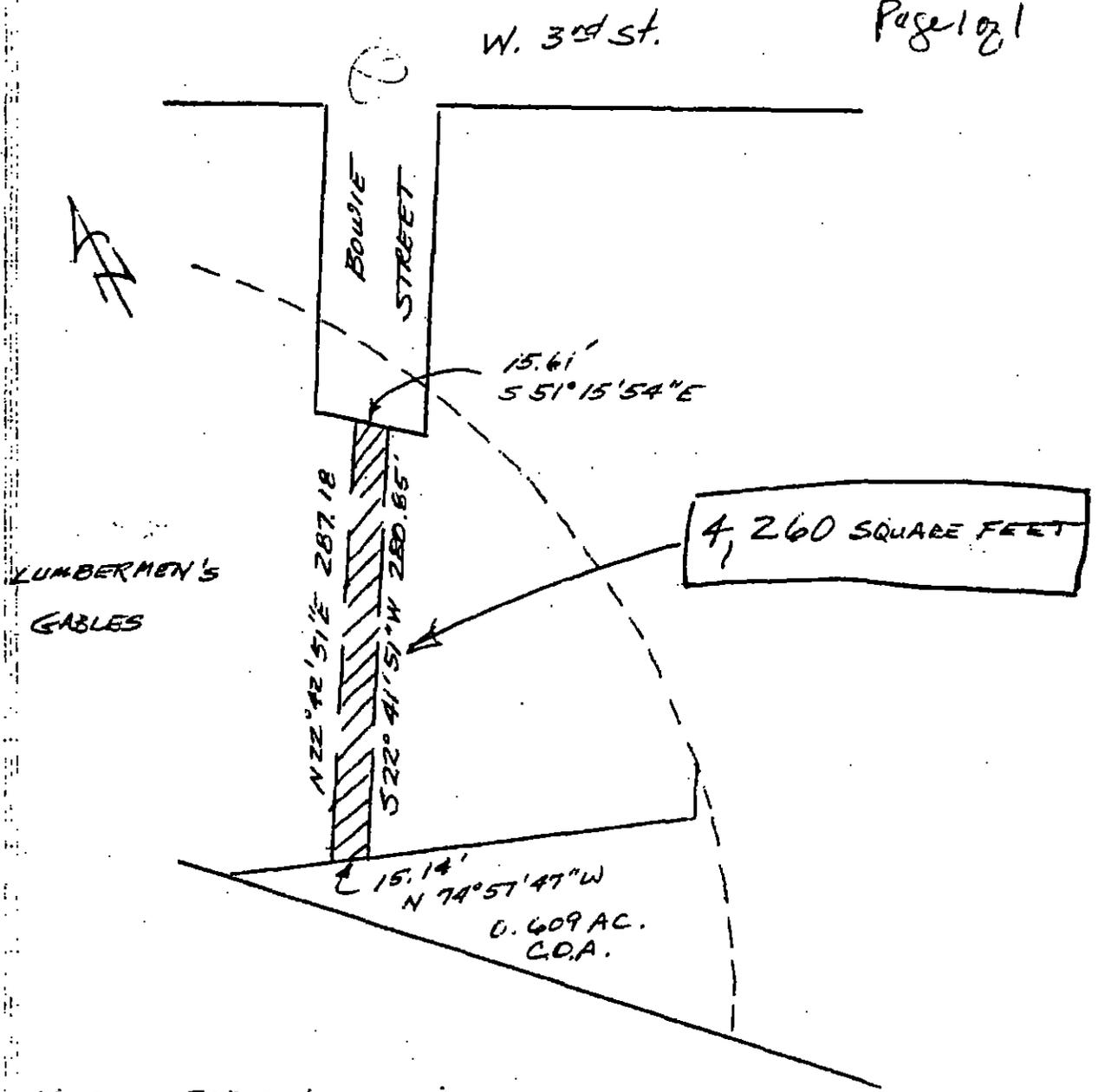
- 1/2" IRON ROD FOUND
- ⊙ IRON PIPE FOUND WITH CAP STAMPED "CITY OF AUSTIN-LAI RPLS 4878"
- ▲ PK NAIL FOUND
- △ CALCULATED POINT
- (XXX) RECORD INFORMATION
- P.O.B. POINT OF BEGINNING

3.19 ACRES  
LUMBERMEN'S INVESTMENT CORPORATION  
VOL. 12038, PG. 535

**Bury+Partners**  
ENGINEERING SOLUTIONS  
2346 Bee Cave Road, Suite 200  
Austin, Texas 78748  
Tel: (512)328-0011 Fax: (512)328-0325  
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**SKETCH TO ACCOMPANY DESCRIPTION**  
OF A 0.062 ACRE TRACT OF LAND BEING A PORTION OF BOWIE STREET RIGHT-OF-WAY DEDICATED TO THE PUBLIC BY RAYMOND PLATEAU SUBDIVISION OF RECORD IN VOL 1, PG 30, OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, ALSO BEING SITUATED WITHIN THAT CERTAIN 3.19 ACRE TRACT DESCRIBED IN THE DEED TO LUMBERMAN'S INVESTMENT CORPORATION, OF RECORD IN VOL 12038, PG 535 OF THE REAL PROPERTY RECORDS.

**MUSEUM PARK PLAZA**  
**GABLES RESIDENTIAL TRUST**



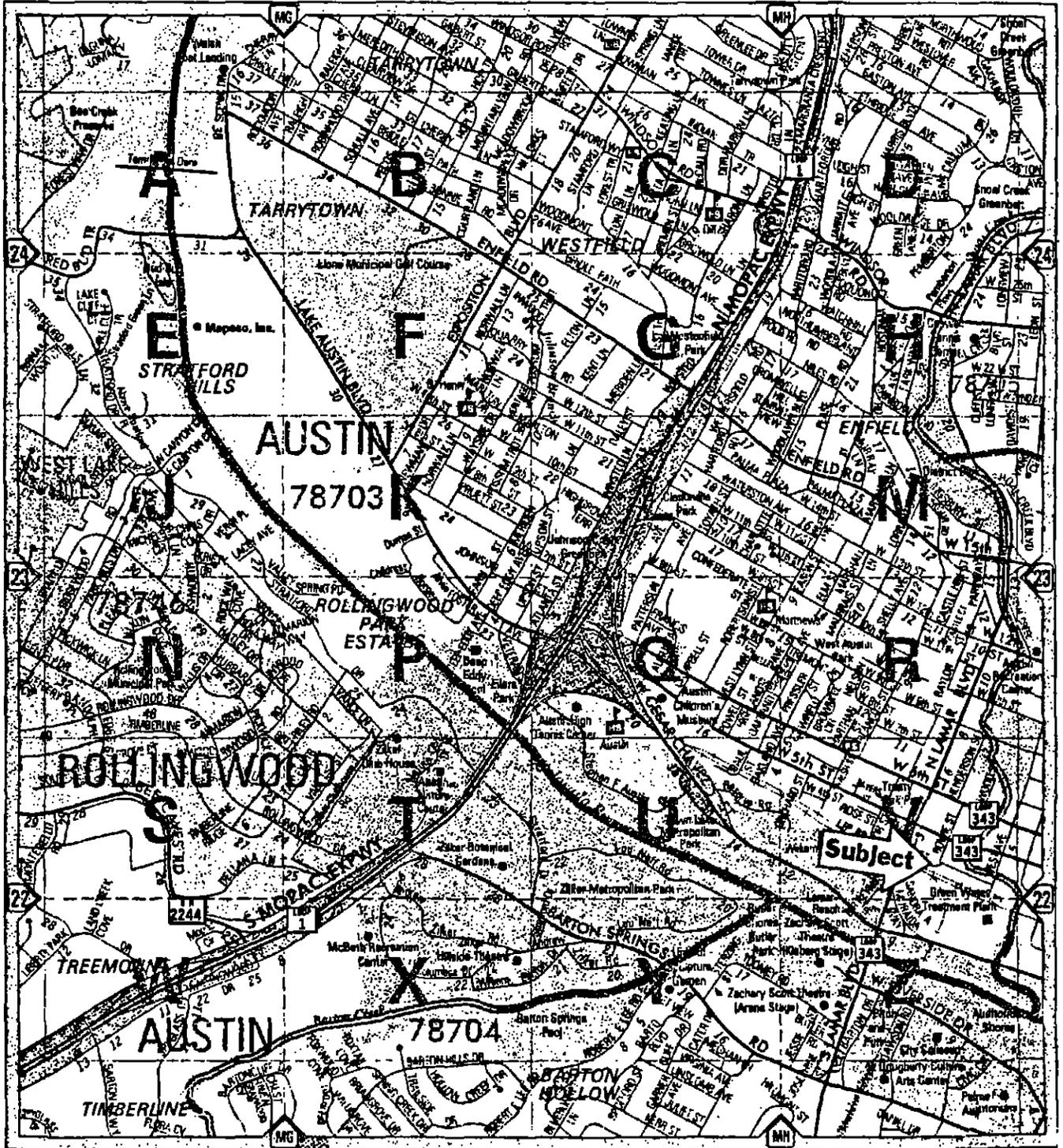
NOTE: 30" SAND SEW IS  
9' EAST OF C BOWIE ST.

GARY GLOVER (12-7-05)



584

CONTINUED ON MAP 554



CONTINUED ON MAP 583

CONTINUED ON MAP 614

CONTINUED ON MAP 585



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